

October 6, 2005

PRESENT: Dr. Charles W. Curry, Chairman  
Charles C. Schooley, Vice Chairman  
William Bashaw  
Bruce M. Bowman  
Kitra A. Shiflett  
Larry C. Howdyshell  
Betty Jo Hamilton  
Clay Hewitt  
Garland Martin  
Mark Grove  
Dale L. Cobb  
Beatrice B. Cardellicchio-Weber

OTHERS PRESENT: Tom Stanley, Extension Office  
Kay Frye, Board of Supervisors

ABSENT: Larry Shiflett

VIRGINIA: Meeting of the Agricultural Task Force Committee held on Thursday, October 6, 2005, at 7:00 P.M., in the County Government Center, Verona, Virginia.

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Chairman Curry asked if there were any changes or a motion to approve the minutes from the September 15, 2005 meeting?

Ms. Shiflett stated that she would like to omit on page six the fourth statement from the bottom. She stated that she did not say that the program could do away with little farms.

Ms. Shiflett stated that she would like to change on page seven her statement where this could create a number of tracts on a piece of land at one time. She stated that she wanted to replace that with many farms have already been divided into different tracts. She moved to approve the minutes as revised.

Mr. Bashaw seconded the motion, which carried unanimously.

Chairman Curry stated that there were no items in the suggestion box.

Chairman Curry stated that the next item on the agenda is Historical Design.

Mr. Cobb stated that there are steps when being registered as a historical site. They are as follows:

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### Steps

1. Preliminary Information Form
2. Virginia Form if Qualified
3. Virginia Landmarks Commission to Vote
4. Opportunity to Apply for the National Registry

Mr. Cobb stated that on the memo the committee received states some sites in Augusta County that are in this program. He stated that this updated list was prepared for the Comprehensive Plan. He stated that attached to the memo is a nomination form. He stated that the applicant must be serious about this process because the applications are quite lengthy. He stated that if the committee members had anything in specific that they would like to go over he would be glad to do so.

Chairman Curry asked if the County had a listing of the prospective historic sites?

Mr. Cobb stated no. He stated that the Virginia Landmarks Register might have that information on file. He stated that the local government has no say with the historic sites.

Mr. Bashaw stated that Augusta County has not taken an interest in protecting historic sites as they should have. He stated that a lot of sites have been lost in the last twenty years.

Chairman Curry asked if there were some suggestions or a recommendation on this?

Mr. Bashaw stated that the County should have someone who takes care of the protection of historic sites instead of the state.

Chairman Curry stated that the next item on the agenda is PDRs.

Mr. Cobb stated that he will present examples that the committee could use when making their recommendation to the Board of Supervisors in the criteria and ranking of PDRs. He stated that the Board of Supervisors put aside money this year for PDRs. He stated that staff has put together some key criteria. The eligibility is as follows:

#### Eligibility Criteria:

- Farm must be located in an Ag Conservation or Rural Conservation Area
- Farm must be larger than x acres in size
- Farm must be zoned General or Exclusive Agriculture
- Farm must be enrolled in the Land Use Program
- The entire acreage of the farm (as of x/x/200x) must be entered into the program
- Farm must score at least x points on the below ranking system

Mr. Cobb stated that after eligibility is determined then you would move on to the ranking part of the process. The ranking criteria are as follows:

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Ranking System Criteria:

- Farm receives x points for being in an Ag Conservation Area and y points for being in a Rural Conservation Area
- Farm receives x points per y acres in size
- Farm receives x points per y development right to be extinguished
- Farm receives x points for being included in an Ag/Forestal District
- Farm receives x points for being located adjacent to an existing conservation easement
- Farm receives x points for being located adjacent to a river, ACSA well, flood inundation zone, or other water resource
- Farm receives x points for being located in or adjacent to a recognized historic district or contains a recognized historic building or resource
- Farm receives x points for being operated as a family farm
- Farm receives x points for every y percent of it is classified as having prime soils
- Farm receives x points for being adjacent to a landfill

Mr. Cobb stated that the ranking list is suggested just in case the PDR program becomes popular.

Chairman Curry stated that this is a starting point. He stated that he has asked Mr. Bowman to come up with some criteria as well based on his visit to Virginia Beach. He asked if Ms. Hamilton would like to go to Virginia Beach this month to go over their criteria and program. He stated that two visits are better than one. He stated that he would like her and Mr. Bowman to be the subcommittee on PDRs and spend some time on the criteria.

Ms. Hamilton stated that she has more time now and she would be willing to work with Mr. Bowman on that task.

Chairman Curry asked if there were any objections or comments?

There being no objections or comments, Chairman Curry stated that the next item on the agenda was the Comprehensive Plan Survey Results and the Schedule.

Mr. Cobb stated that the initial step was a survey being sent out. He stated that approximately 1,500 were completed. He stated that 5% were returned to Community Development. He stated that the schedule of all of the Steering Committee meetings are included in the back. He stated that the first public meeting on the Comprehensive Plan will be October 17<sup>th</sup> at 7:00 p.m. He stated that at that time they will take the existing conditions in a "State of the County" format and collect the input of citizens on issues facing the County. He stated that January – February they will meet at each of the high schools. He stated that March – April there will be another public meeting here at the Government Center to review the draft Comprehensive Plan. He stated that the Comprehensive Plan will go before the Planning Commission and Board of Supervisors sometime in April – June.

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Chairman Curry stated that the results were interesting. He stated that some of the findings that are ranked include #1 scenic beauty, #2 quiet and peaceful, and #5 strong agriculture. He stated that the worst items about Augusta County were rapid development and loss of agricultural land. He stated that many citizens want to protect agriculture and forest land which is very positive.

Ms. Shiflett stated that the Steering Committee is interested in what this committee's recommendations are.

Chairman Curry stated that the next item on the agenda is the Agricultural Forestal Districts.

Mr. Cobb stated that the County has four Agricultural Forestal Districts. He stated that attached to the memo is the application, sequence of events, and the state code.

Chairman Curry asked if there was any discussion on this topic?

Chairman Curry stated that this is a positive tool but there is not a lot of incentive for people to participate in this program.

Ms. Hamilton stated that she wanted to get one started in her area but the two large landholders did not seem interested in it. She stated that by them not be interested they blocked out her chances of being involved.

Chairman Curry stated that the committee should take the time to study this and come up with some benefits.

Mr. Bashaw asked what the economic benefit was for the Agricultural Forestal Districts?

Ms. Hamilton stated protection.

Ms. Shiflett stated that when a rezoning comes up the Agricultural Forest District is taken into consideration.

Mr. Cobb stated that Special Use Permits are not an option in an Agricultural Forestal District. He stated that the property owners have more control of what is going on.

Chairman Curry stated that the next item on the agenda is Impact Fees.

Mr. Cobb stated that impact fees are charges assessed by local governments against new development projects. He stated that the fee is included with the building permit process. He stated that the use of impact fees is greatly restricted in Virginia but some localities have found ways around the restrictions to charge fees to developers in the form of cash proffer guidelines. He stated that Augusta County does not use this. He stated that the Comprehensive Plan would set forth the need in the plan. He stated that the developer would pay a percentage of the road, school, and capital improvements.

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Mr. Bashaw stated that the County does not do this.

Mr. Cobb stated that is correct. He stated that if cash proffers were to be put in place then it would be difficult to turn the developer down because they are promising to make that payment for the improvements.

Chairman Curry stated that impact fees will be hard to get off the ground because of the Home Builders Foundation. He stated that this could be a good item to lobby for.

Vice Chairman Schooley stated that this might not be a bad idea.

Mr. Grove stated that impact fees would be open ended and proffers are a cause and affect.

Mr. Cobb stated that each locality would figure out how much the fees would be. He stated that the Comprehensive Plan is also looked at.

Mr. Bashaw stated that if we cannot do impact fees in Virginia why are we even discussing it?

Mr. Cobb stated that it was on the brainstorming list and it would need to be lobbied for if Augusta County would like to use impact fees.

Chairman Curry stated that the committee could push for this to be lobbied.

Chairman Curry stated that the next item on the agenda is the American Farmland Trust Program.

Mr. Cobb stated that in this memo that Jeremy completed there are a number of programs aimed at protecting and encouraging farmland. He stated that in the memo is a listing of some of the programs that they offer.

Chairman Curry stated that the next item on the agenda is sliding scale zoning.

Mr. Cobb stated that staff has copied the article that Joel Baird has done on sliding scale zoning. He stated that there are also interesting emails from Jesse Richardson and that is also attached to the article.

Chairman Curry stated that the tone of the email stated that Clarke County was not a good model because there are social exclusiveness and land zoning issues as per Mr. Richardson. He stated that in his email he stated that "you could not even control growth so do not even try". He stated that if the growth is happening too rapid then there is something wrong with the allocation of allowable building lots.

Mr. Cobb stated that the County should know more information about that at the next meeting.

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Chairman Curry stated that there needs to be a certain amount of growth. He stated that growth cannot be controlled but there has to be an adequate amount of housing. He stated that growth has to be in places where the County wants it to be.

Mr. Cobb stated that there is a memo regarding the Clarke County Zoning Ordinance at the back of the packet. He stated that prior to 1980 Clarke County had two agricultural zoning districts:

- A1 – All Valley Land
- A2 – Blue Ridge Mountain Area

Mr. Cobb stated that prior to 1980 in Clarke County the minimum lot size was five acres and there was no limit on the number of lots that could be created per year. He stated that Clarke County approved sliding scale zoning on October 17, 1980. They have two zoning districts. They are:

- Agricultural – Open Space – Conservation Districts – AOC
- Forestal – Open Space – Conservation Districts - FOC

Mr. Cobb stated that under sliding scale zoning you are allowed to create lots in Clarke County under the following chart:

<u>Size of Tract</u>	<u>Number of Single Family Detached Dwelling Units Permitted</u>
0 – 14.99 Acres	1
15 – 39.99 Acres	2
40 – 79.99 Acres	3
80 – 129.99 Acres	4
130 – 179.99 Acres	5
180 – 229.99 Acres	6
230 – 279.99 Acres	7
280 – 329.99 Acres	8
330 – 399.99 Acres	9
400 – 499.99 Acres	10
500 – 599.99 Acres	11
600 – 729.99 Acres	12
730 – 859.99 Acres	13
860 – 1029.99 Acres	14
1030 Acres or More	15

Mr. Cobb stated that they have a minimum lot size of two acres and maximum of three acres. He stated that there are two exceptions to the rule. They are as follows:

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1. If you have a tract of land that has a house on it prior to the ordinance being approved you can have a larger lot.
2. If you have a smaller lot and you have two houses on them and you want to split the lot.

He stated that Clarke County is 174 square miles, which equates to 111,360 acres. 98% of their land is zoned agriculture and at the present time they create approximately 50 lots a year. The Town of Berryville is setup as their growth area. If you want to develop property it has to be done in Berryville on public water and sewer.

Ms. Shiflett stated that this raises the price of farmland.

Chairman Curry stated that they channel out all of their growth to Berryville.

Mr. Hewitt stated that we need to figure out ways to improve profitable agriculture. He stated that by eliminating housing will not make agriculture more profitable.

Ms. Hamilton stated that she agrees with Mr. Hewitt. She asked what Mr. Richardson does for a living?

Mr. Stanley stated that he is a Virginia Tech professor with the Department of Urban Studies, a 4-H/FFA product from Frederick County, and an attorney who has been in court numerous times on land-use/zoning/estate cases. He stated that he has a Masters in Agricultural Economics.

Chairman Curry stated that the next item on the agenda is the Minor Subdivision Ordinance.

Mr. Cobb stated that the committee has received a memo on the subdivision of agricultural land. He stated that Augusta County presently has two agricultural zoning districts. They are General Agriculture and Exclusive Agriculture.

### **New Lots**

Mr. Cobb stated that Augusta County allows you to create one new lot each year in either agricultural zoning district. He stated that the new lot cannot be subdivided for five full calendar years. He stated that it would be staff's recommendation that we do not differentiate between Exclusive Agriculture and General Agriculture and that you be allowed to create one new lot every three years and the new lot cannot be re-subdivided for a period of five full calendar years.

### **Boundary Line**

Mr. Cobb stated that there are several General Agriculture subdivisions that appear in Augusta County that are allowed to be created because of landowners buying a tract of land that has several parcels in them, adjusting boundaries so that they could be subdivided, and then proceeding with creating one lot off each of those tracts. He stated that it would be staff's recommendation that boundary line adjustments count the same as a new lot. There should be two exceptions to the rule. They are:

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1. If the strip of land is sold to an adjacent property owner and it does not result in a tract big enough to be subdivided then that would not count as a new lot.
2. If you boundary line adjust to sell a farmer a tract of land 50 acres or larger for them to farm and not develop as residential then that should not count either.

### **Family Member Exception**

Mr. Cobb stated that as presented to the committee earlier, family member exceptions are not an exception. He stated that in the year 2004, 48% of the lots created in agricultural zoned districts were under family member exception. He stated that at the present time, you are allowed to give or sell a lot under family member exception to the following:

- Spouse
- Parents
- Children
- Grandchildren

Mr. Cobb stated that it would be staff's recommendation that you only be allowed to give lots to your children.

Ms. Shiflett asked if Mr. Cobb had anything more specific?

Mr. Cobb stated that Mr. Shiflett had wanted to see an example of the McCue Farm history on subdividing. He stated that the farm started in four original parcels:

50A	created in 2000
50B	created in 2001
50C	created in 2002
50D	created in 2003
50E	created in 2005 – The only FME Lot

Mr. Cobb stated that parcel 50 residue cannot be subdivided again until January 2006.

TM#37-103

103	created in 2000
103E	created in 2001
103G	created in 2002
103H	created in 2003
103I	created in 2004
103J	created in 2005

Mr. Cobb stated that parcels 103A and 103D are separate parcels that have not been divided.



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Mr. Cobb stated that starting January 2006 the parcels that were created in 2000 are eligible for re-divisions and the parcels created in 2001 are eligible for re-division in 2007, etc.

Ms. Shiflett stated that there is not a road near the property but how are they able to subdivide?

Mr. Cobb stated that they can subdivide through family member exception.

Mr. Bowman stated that once a child gets a lot through family member exception they could not get another one.

Mr. Cobb stated that Rockingham County's ordinance was never challenged. The old County Attorney asked the Attorney General and they said that you could not stop people from subdivided because it was illegal. The Board of Supervisors came up with the limitations in the ordinance that has kept people from subdividing.

Chairman Curry stated that the next item on the agenda is the First Draft Report.

Chairman Curry stated that he has gone through all of the minutes and put together this first draft report. He stated that this report is still a working document and it needs wordsmithing and additions as well as appendix items. He stated that he has created a "Foreword", "Table of Contents", and "Principles and Assumptions" page. He stated that the "Principles and Assumptions" page is for the committee to read through and add to it or delete some of the items. He stated that the "Findings" are not in order in any way. He stated that there are 60 of them. He stated that under each finding there is some bullet point data underneath it. He stated that many of the findings need support data and he will ask staff to come up with that. He stated that if there is no data to support the finding, it should be taken out. He stated that the committee will vote on each of these and move on to the next. He stated that staff should help in terms of all of the support data. He stated that he hopes to take each section one at a time at the next meeting. He stated that in the "Recommendations" he repeated the finding and listed recommendations under that in italics. He stated that some items do not have a recommendation. He stated that some items are listed in a bold type (i.e., page 21) and it asks if the committee wants to recommend that particular item.

Ms. Shiflett asked what Chairman Curry meant with finding number five?

Chairman Curry stated that he meant to look back and look at ordinances to eliminate loopholes when they are found. He stated that when a loophole is found it should be changed in the ordinance.

Mr. Bowman stated that the process will never stop.

Mr. Bashaw asked how long does it take to get an ordinance changed?

Mr. Cobb stated that the change needs to be advertised and gone to public hearing for the Planning Commission and Board of Supervisors.

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Chairman Curry asked Mr. Cobb about the GIS mapping regarding the finding on page 22?

Mr. Cobb stated that it is almost ready. He stated that it should be completed by the first of the year.

Chairman Curry asked Mr. Cobb to add that to his "To Do List".

Chairman Curry stated that on page 25 a lot of ideas are needed here.

Ms. Hamilton stated that there is a farm program in Pennsylvania that matches young farmers with aging farmers.

Chairman Curry stated that the committee members should be working on the Recommendations. He stated that staff should work on the data. He stated that at the next meeting he hopes to take one item at a time. He stated that he is open for suggestions as to how the committee should go about doing this. He stated that they have three more meetings to finish their task.

Chairman Curry stated that Mr. Bowman and Ms. Hamilton will work on putting together criteria for PDRs. He stated that staff has presented some examples of criteria as well.

Mr. Cobb stated that when looking at the report the committee could not recommend sliding scale zoning and lot restrictions. He stated that the committee must find out which way they want to go.

Chairman Curry stated that under the Lead for Leadership for PDRs and agricultural programs he was looking for someone to come up with a job description.

Mr. Howdyshell stated that this committee has a lot of ideas. He stated that the Board will pick and choose which to use. He stated that the job description may be a lot of work for nothing.

Ms. Shiflett stated that maybe the committee could come up with a simple list.

Chairman Curry stated that he has a list from other localities.

Ms. Hamilton stated that the Virginia Beef Industry Council has something similar to the Agricultural Advisory Board. She stated that maybe the County could setup an Agricultural Industry Council. She stated that to have a council to meet the County's needs would be very positive for agriculture. She stated that the state has lost positions.

Chairman Curry stated that there are some legal questions for the County Attorney and he has given that list to Mr. Cobb. He stated that the committee needs to have answers to these questions before they make their recommendation. He stated that staff should see what the County Attorney could do to either provide statements to us or come in and speak.

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Chairman Curry stated that he would need some volunteers to go over restricting lots in Augusta County vs. sliding scale zoning. He asked if Ms. Shiflett would do that along with Mr. Shiflett?

Ms. Shiflett stated she will try.

Chairman Curry asked how the committee wanted to go over the findings and recommendations?

Mr. Bashaw stated that there should be an all day session along with a meal.

Chairman Curry stated that they will read the finding and recommendation, discuss it, vote it in or out and discuss it. He stated that if there is one that is taking quite some time they will table it to another meeting.

Ms. Shiflett stated that there should be an extra night meeting or two. She stated that two hours is not enough time. She stated that she would have a hard time meeting during the day.

Chairman Curry stated that they will see how much they get done on October 20<sup>th</sup>. He stated that they should have two to three night meetings the first week in November.

Vice Chairman Schooley stated that he will not be here for the October 20<sup>th</sup> meeting.

Mr. Bowman stated that he will not be at the meeting as well.

Chairman Curry asked staff to complete the "To Do List". He stated that some of the items that were included were the zoning classifications and what is permitted in each, agri-tourism list, and the uses permitted by right. He stated that he would like staff to come up with a list of good things that the County has done. He stated that they already have the Extension Service.

Ms. Shiflett stated fairs for younger people.

Mr. Stanley stated the Farmers Market.

Mr. Bashaw stated that the FFA has increased activities more than ever for younger kids.

Chairman Curry stated that he feels that the numbers have declined.

Mr. Bashaw stated that it would not hurt to give the FFA more support in Augusta County.

Mr. Stanley stated that if the committee needs support data he would be glad to provide it to the committee.

Chairman Curry asked what would be the best way to do get your comments and changes on the report so that we could go over it at the next meeting?

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Chairman Curry stated that the committee members should email their changes on the recommendations to Beatrice to include finding number and page number.

Mr. Bashaw stated that there should be a deadline.

Chairman Curry stated that October 13<sup>th</sup> would be the deadline.

Chairman Curry stated that the committee still has to have their public input meeting on the report. He stated that a tentative date should be November 17<sup>th</sup>. He stated that the committee should see how far they get with the report and he has asked staff not to publicize this yet in the newspaper.

Chairman Curry stated that after the October 20<sup>th</sup> meeting, the committee will meet on October 31<sup>st</sup>, November 1<sup>st</sup>, and November 3<sup>rd</sup> to finish up the report. He stated that tentatively scheduled will be the public meeting on November 17<sup>th</sup>.

There being no further business, the meeting was adjourned.

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Chairman